



**LEGISLATURE**

# **MINUTES**

## **NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE**

Tuesday, October 16, 2018 | 1:15 p.m. | 210 Senate Building

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### **Members Present:**

Sen. David P. Hinkins, Senate Chair  
Rep. Stewart E. Barlow, House Chair  
Sen. Jim Dabakis  
Sen. Don L. Ipson  
Sen. Peter C. Knudson  
Sen. Ralph Okerlund  
Sen. Evan J. Vickers  
Rep. Carl R. Albrecht  
Rep. Kay J. Christofferson  
Rep. Susan Duckworth  
Sen. Keith Grover  
Rep. Stephen G. Handy

Rep. Karen Kwan  
Rep. Lee B. Perry  
Rep. Douglas V. Sagers  
Rep. Keven J. Stratton  
Rep. Christine F. Watkins

### **Members Absent:**

Rep. Scott H. Chew, House Vice Chair  
Rep. Michael E. Noel

### **Staff Present:**

Ms. Lorna Wells, Session Secretary  
Mr. Ivan D. Djambov, Fiscal Analyst  
Mr. Alexander R. Wilson, Fiscal Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Barlow called the meeting to order at 1:23 p.m.

## **1 . A Performance Audit of State Energy Incentives, Report #2017-14**

Dr. Deanna Herring, Audit Supervisor and Mr. Matthew Taylor, Audit Staff, Legislative Auditor General's Office, presented the auditor's report regarding State Energy Incentives.

Rep. Albrecht asked a question about rooftop solar incentives. The auditors answered the question.

Mr. Robert Simmons, Deputy Director, Governor's Office of Energy Development also responded.

Rep. Christofferson mentioned that the Public Utilities, Energy and Technology Committee has been discussing this issue and has opened a bill file.

Sen. Okerlund asked about evaluating the residual benefits of a program. Dr. Herring responded.

Rep. Perry asked a question about the solar panel tax incentives. Mr. Taylor answered this question. Rep. Perry asked a follow-up question about recommendations for centrally tracking this. Dr. Herring replied.

Sen. Dabakis asked a clarifying question regarding the cost of tax exemptions and deductions. Dr. Herring responded.

## **2 . State Resource Management Plan**

Ms. Kathleen Clarke, Director, Public Lands Policy Coordinating Office, discussed the State Resource Management Plan.

Ms. Brianne Emery, Natural Resource Planner, discussed her role in the State Management Plan process.



Ms. Clarke mentioned that on their web site there is more information about the current plans (<http://publiclands.utah.gov/current-projects/rmp/>)

Rep. Stratton discussed the groundbreaking nature of this plan and asked a question about the one-time and on-going funding. Chair Hinkins and Ms. Clarke responded.

Rep. Albrecht expressed appreciation for the work on the plan and discussed Ms. Clarke's participation in a recent cattle drive.

Chair Hinkins mentioned the benefit of coordination between the Department of Agriculture and Department of Interior.

### **3 . Waste Management Facilities, Self-Inspection and Technology Improvements**

Mr. Scott Anderson, Director, Division of Waste Management and Radiation Control, reported on the progress regarding H.B. 373, "Waste Management Amendments." from the 2018 General Session regarding a self-inspection program of owners and operators of solid waste management facilities in the State.

Mr. Anderson reported on the electronic document management portion of the bill and their work with the Department of Technology Services (DTS).

Rep. Perry asked if DTS was aware of the January deadline. Mr. Anderson responded.

### **4 . Approval of Minutes**

**MOTION:** Rep. Duckworth moved to approve the minutes of September 19, 2017; October 18, 2017; and February 12, 2018 meetings. The motion passed with a vote of 15 - 0 - 4.

#### Yeas-15

Rep. C. Albrecht  
Rep. S. Barlow  
Rep. K. Christofferson  
Sen. J. Dabakis  
Rep. S. Duckworth  
Rep. S. Handy  
Sen. D. Hinkins  
Sen. D. Ipson  
Rep. K. Kwan  
Sen. R. Okerlund  
Rep. L. Perry  
Rep. D. Sagers  
Rep. K. Stratton  
Sen. E. Vickers  
Rep. C. Watkins

#### Nays-0

#### Absent-4

Rep. S. Chew  
Sen. K. Grover  
Sen. P. Knudson  
Rep. M. Noel

### **5 . Review of Agencies Fees' Data: LFA Evaluation and Report**

Mr. Ivan Djambov, Fiscal Analyst, Office of the Legislative Fiscal Analyst (LFA), explained how to find the meeting materials online.

Mr. Djambov discussed the Review of Agencies Fees' Data Issue Brief.

[5-Issue Brief - 2018 Interim -Review of Agencies Fees Data](#)

Rep. Sagers asked about the revenue sources for these fees. Mr. Djambov responded.

Rep. Kwan asked about inconsistencies in agency responses. Mr. Djambov answered her question.

Rep. Duckworth reminded committee members that some of these departments are self-sustaining through these fees.

Mr. Djambov provided clarification.

Rep. Christofferson discussed some of the differences between taxes and fees.

Sen. Dabakis discussed the importance of state parks and mentioned that the fees have made it difficult for families to visit them.

Chair Hinkins provided clarification about state golf courses and state parks.

Rep. Sagers discussed the bonds on state parks.

Rep. Kwan asked how the committee could make good decisions if accurate and complete data is not available.

**MOTION:** Chair Hinkins moved to request that each fee entity present a specific plan on how they would address the issues with their fee data to the Natural Resources, Agriculture, and Environmental Quality Appropriations subcommittee during the first three weeks of the 2019 General Session. The motion passed with a vote of 14 - 0 - 5.

Yeas-14

Rep. C. Albrecht  
Rep. S. Barlow  
Rep. K. Christofferson  
Sen. J. Dabakis  
Rep. S. Duckworth  
Rep. S. Handy  
Sen. D. Hinkins  
Sen. D. Ipson  
Rep. K. Kwan  
Sen. R. Okerlund  
Rep. L. Perry  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins

Nays-0

Absent-5

Rep. S. Chew  
Sen. K. Grover  
Sen. P. Knudson  
Rep. M. Noel  
Sen. E. Vickers

Rep. Sager supported the motion but asked if some consequences could be added if agencies did not provide the required information.

## **6 . Report on FY 2018 Building Blocks Usage**

Mr. Djambov discussed the Report on How the Funding Appropriated for FY 2018 was used. He also discussed what happened to money that was not used during FY 2018.

### [7-Report on How the Funding Appropriated for FY 2018 Was Used](#)

## **7 . Report and Review of Performance Measures, Required by Legislative Intent Language**

Mr. Alexander Wilson, Fiscal Analyst, LFA, discussed performance measures for agencies and line items.

[8-Review of Agencies Performance Measures](#)

**MOTION:** Rep. Christofferson moved that when departments submit performance measures for FY 2020 during the 2019 General Session, they review the recommendations from the Fiscal Analyst's Issue Brief and make changes to the submitted measures accordingly. The motion passed with a vote of 13 - 0 - 6.

Yeas-13

Rep. C. Albrecht  
Rep. S. Barlow  
Rep. K. Christofferson  
Rep. S. Duckworth  
Rep. S. Handy  
Sen. D. Hinkins  
Sen. D. Ipson  
Rep. K. Kwan  
Sen. R. Okerlund  
Rep. L. Perry  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins

Nays-0

Absent-6

Rep. S. Chew  
Sen. J. Dabakis  
Sen. K. Grover  
Sen. P. Knudson  
Rep. M. Noel  
Sen. E. Vickers

**8 . Report the Performance Measures for all new funding (exceeding \$20,000 appropriated during the 2018 General Session)**

Mr. Wilson reported on the intent language for performance measures on items where funding was over \$20,000. He discussed the analysts' recommendations.

[6-Performance Measures of Funding Over \\$20,000](#)

**MOTION:** Rep. Duckworth moved that the agencies review performance measures submitted after each funding item over \$20,000 and make adjustments based on the Fiscal Analysts' brief which they will re submit during the 2019 general session. Rep. Duckworth withdrew her motion due to lack of a quorum in the Senate.

**9 . Current Superfund Liabilities and Potential for Additional Liabilities**

Mr. Brent Everett, Director, Division of Environmental Response and Remediation, discussed the superfund liabilities and potential for additional liabilities. He discussed fund lead sites on the National Priorities List (NPL). He discussed the State's cost share and the Utah sites on the list.

[9-Current Superfund Liabilities - DEQ - October 2018](#)

Rep. Sagers discussed his concerns with the lack of action regarding the clean up on the Bower property and the Stockton properties. He also mentioned the lack of warning signs regarding the dangers for these areas.

Mr. Everett discussed the status of the clean-up of the Jacob's Smelter site in Stockton. He expressed his agency's frustration about the Bower site because the EPA has not identified it as an NPL site.

Rep. Sagers mentioned that even signs would make people more aware of the dangers. Mr. Everett will work with Rep. Sagers offline on this issue.

Rep. Christofferson asked if the list had changed in the past year. Mr. Everett responded that the list has not changed.



Rep. Christofferson mentioned that he and Rep. Perry worked on legislation regarding committed costs and was concerned about possible shortfall. Mr. Everett responded.

Chair Barlow asked about a site size prerequisite. Mr. Everett responded.

## **10 . Water Banking Pilot Study Funding, Sen. Iwamoto**

Sen. Iwamoto discussed results of the water-banking pilot study.

Mr. Steven Clyde, Utah Water Taskforce, Utah Water Attorney, discussed a matching WaterSmart grant. He mentioned upcoming appropriation request.

Rep. Christofferson asked about the grant and match amounts. Mr. Clyde responded.

Rep. Stratton asked about the proposal to rent water rights in a marginal season. Mr. Clyde responded.

Chair Hinkins asked clarifying questions. Mr. Clyde responded.

Chair Barlow mentioned the quality for future years. Mr Clyde responded.

Chair Barlow mentioned that Mr. Sterling Brown from the Utah Farm Bureau would be willing to discuss this issue with committee members offline.

**MOTION:** Rep. Albrecht moved to adjourn. The motion passed with a vote of 11 - 0 - 8.

### Yeas-11

Rep. S. Barlow  
Rep. K. Christofferson  
Rep. S. Duckworth  
Sen. K. Grover  
Rep. S. Handy  
Sen. D. Hinkins  
Rep. K. Kwan  
Rep. L. Perry  
Rep. D. Sagers  
Rep. K. Stratton  
Rep. C. Watkins

### Nays-0

### Absent-8

Rep. C. Albrecht  
Rep. S. Chew  
Sen. J. Dabakis  
Sen. D. Ipson  
Sen. P. Knudson  
Rep. M. Noel  
Sen. R. Okerlund  
Sen. E. Vickers

Chair Barlow adjourned the meeting at 3:41 p.m.